

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-cv-00460-MOC

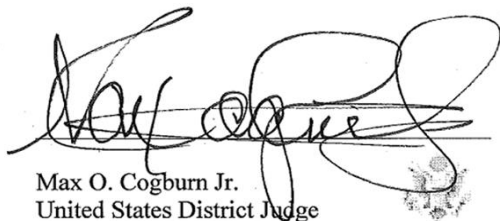
RONALD GENE KISER, JR.,)	
)	
Petitioner,)	
)	
Vs.)	ORDER DENYING CERTIFICATE
)	
)	OF APPEALABILITY
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

THIS MATTER is before the court after Initial Screening and entry of an Order dismissing the petition as frivolous. Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this court declines to issue a certificate of appealability as petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller -El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484–85 (2000) (in order to satisfy § 2253(c) when court denies relief on procedural grounds, a petitioner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right).

ORDER

IT IS, THEREFORE, ORDERED that a certificate of appealability is **DENIED** as to this court's Order dismissing petitioner's Motion to Vacate, Set Aide, or Correct a Sentence by a Person in Federal Custody (#1) as frivolous.

Signed: August 21, 2013



Max O. Cogburn Jr.
United States District Judge